

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:14-cr-00244

DONALD L. BLANKENSHIP

APPEAL OF MAGISTRATE JUDGE'S DECISION TO PERMIT TRAVEL OF DEFENDANT

COMES NOW the United States of America by United States Attorney R. Booth Goodwin II and Counsel to the United States Attorney Steven R. Ruby to appeal the decision of the Magistrate in this matter permitting defendant to travel to Las Vegas, Nevada. Defendant has requested to travel to Las Vegas tomorrow, November 22, 2014, and remain there until December 3 or 4, 2014 (a stay of 12 or 13 days), when he intends to fly to Washington, D.C., to meet with his defense lawyers. Defendant's pretrial-release conditions limit his travel to the Southern District of West Virginia; Pike County, Kentucky; and Washington, D.C., for meetings with counsel. Defendant requested this nearly two-week holiday in Las Vegas on the ground that he has already made plans to meet his significant other's family there for Thanksgiving.

The Magistrate Judge held a telephonic hearing early this afternoon and granted permission for the requested travel over the objection of the United States. The United States objected that no grounds had been presented to warrant the requested travel. According to information provided by Defendant, his family mainly resides in or near the Southern District of West Virginia, and he owns homes here and in Kentucky. Defendant does not own a home in Las Vegas and apparently does not rent one, either. He appears to have resided, with his significant other, for some portion of the past two years in a home in Las Vegas that belongs to someone else. The individuals with whom he intends to spend Thanksgiving in Las Vegas are family members of his significant other who are traveling from China and New York. There appears to

be no reason that those individuals could not instead travel to this district, where Defendant is required to remain as a condition of his pretrial release.

The proposed travel is more akin to a request to go on vacation. The understanding of the United States is that the Court generally takes a dim view of such requests. Because of the weight of the evidence against Defendant, the substantial time in prison to which Defendant is exposed if convicted, and the substantial resources of Defendant that could be used in aid of flight, the United States remains concerned that Defendant will flee despite the posting of bond and that travel to a location so far from the direct control of this Court poses a substantial risk of such flight. It should also be noted that a provision restricting the transfer of Defendant's assets was omitted from the release conditions imposed yesterday based on Defendant's representations that the condition proposed in the pretrial services report was impracticable. The Magistrate Judge instead ordered the parties to propose a workable condition within the next two weeks to restrict the Defendant from transferring assets. Until such condition is put in place, there exists a risk that Defendant could transfer assets to facilitate flight and take advantage of his extended stay in Las Vegas, outside the supervision of this Court, to flee. Accordingly, the United States requests that the decision of the Magistrate be vacated insofar as it permits travel to Las Vegas, Nevada.

Respectfully Submitted,

/s/ R. Booth Goodwin II

R. Booth Goodwin II
United States Attorney
WV Bar No. 7165
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: booth.goodwin@usdoj.gov

/s/ Steven R. Ruby

Steven R. Ruby
Counsel to the United States Attorney
WV Bar No. 10752
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: steven.ruby@usdoj.gov

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "APPEAL OF MAGISTRATE JUDGE'S DECISION TO PERMIT TRAVEL OF DEFENDANT" has been electronically filed and service has been made on opposing counsel by virtue of such electronic filing this 21st day of November, 2014 to:

Miles Clark
ZUCKERMAN SPAEDER
Suite 1000
1800 M Street, NW
Washington, DC 20036

Eric R. Delinsky
ZUCKERMAN SPAEDER
Suite 1000
1800 M Street, NW
Washington, DC 20036-5807

Steven N. Herman
ZUCKERMAN SPAEDER
Suite 1000
1800 M Street, NW
Washington, DC 20036-5807

William W. Taylor, III
ZUCKERMAN SPAEDER
Suite 1000
1800 M Street, NW
Washington, DC 20036-5807

John H. Tinney, Jr.
THE TINNEY LAW FIRM
P. O. Box 3752
Charleston, WV 25337-3752

/s/R. Booth Goodwin II
R. Booth Goodwin II
United States Attorney
WV Bar No. 7165
300 Virginia Street, East
Room 4000
Charleston, WV 25301
Telephone: 304-345-2200
Fax: 304-347-5104
Email: booth.goodwin@usdoj.gov